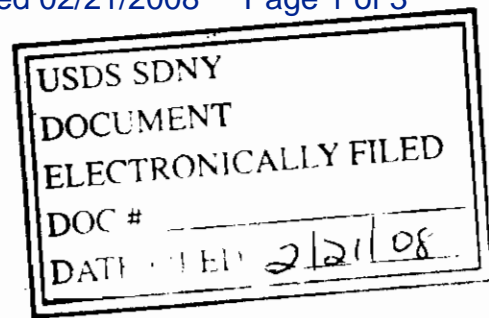


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



LARRY WILLIAMS,  
Plaintiff,

-v-

JOHN DOES, 1-11, sued in their individual  
capacities,  
Defendants.

No. 07 Civ. 3018 (RJS)

MEMORANDUM AND ORDER

RICHARD J. SULLIVAN, District Judge:

In an Order dated January 17, 2008, the Court denied as premature Plaintiff Larry Williams' motion to compel the government to provide photographs and names of forty correctional officers who may be the unnamed John Doe defendants in this lawsuit, but ordered the Plaintiff to submit additional identifying details. By letter motion dated February 17, 2008, Plaintiff now seeks an extension of the time in which to respond to that Order. Plaintiff additionally requests that the Court reconsider its January 17, 2008 Order. Finally, Plaintiff seeks appointment of counsel. The Court will address each request in turn.

I. Request for Extension of Time

Plaintiff seeks an extension of time to submit additional details to the Court and the United States Attorney's Office ("USAO") that will enable the USAO to further identify the unnamed defendants. The motion is hereby GRANTED. **Plaintiff's letter is due by March 5, 2008.** Plaintiff's letter providing these additional details should be submitted directly to this Court as well as to the attention of Carolina A. Fornos, Assistant United States Attorney, 86 Chambers Street, 3<sup>rd</sup> Floor, New York, New York 10007.

Once in receipt of Plaintiff's letter, the USAO is directed to make reasonable efforts to further identify the unnamed defendants and to provide him and this Court, **within 45 days** of receiving Plaintiff's letter, with each officer's name and last known address. In the alternative, should it continue to be impossible to identify the defendants, that information should be communicated by letter **within 45 days**. See *Vasquez v. Mill*, No. 03 Civ. 3905, 2006 U.S. Dist. LEXIS 70487, at \*21 (S.D.N.Y. Sept. 27, 2006) (ordering U.S. Attorney's Office to identify unnamed federal officer defendants); *Flemming v. Velardi*, No. 02 Civ. 4113, 2003 U.S. Dist. LEXIS 13078, 2003 WL 21756108, at \*4 (S.D.N.Y. July 30, 2003) (construing letter and motion for summary judgment from pro se prisoner-plaintiff as leave to amend complaint and request for discovery of ten unnamed defendant police officers' identities, and directing government attorney to provide plaintiff within 30 days of order the name and last known address for plaintiff's arresting officers).

Should the USAO continue to be unable to identify the unnamed defendants, Williams may, **no later than 30 days** after receiving the letter from the USAO, renew his request to order the USAO to disclose the names and photographs of the potential defendants.

Alternatively, should the USAO provide the defendants' identities and addresses, Williams must file an amended complaint identifying John Does Nos. 1-11 by their proper names, **no later than 30 days** after receiving the names from the USAO. Williams must then request an amended summons and a new service package from the Pro Se Office of this Court. Upon receiving those documents, Williams must fill out the forms and provide the Marshals with the proper documents so that they may serve the summons and amended complaint. If Williams would like further assistance, he may contact the Pro Se Office of this Court at 500 Pearl Street, Room 230, New York, New York 10007, telephone (212) 805-0175. **Failure to comply with these deadlines may result in the dismissal of the plaintiff's complaint pursuant to Rule 41.**

II. Motion to Reconsider


Plaintiff requests that the Court reconsider its previous denial of Plaintiff's request that the Court order the USAO to produce the names and photographs of the forty officers. While Plaintiff has noted the physical characteristics of four John Doe defendants as well as potential charges against John Doe No. 2, Plaintiff has not yet complied with the Court's order to provide the location of the defendants at the time in question, identifying physical descriptions, and a specific explanation of the allegations against John Does Nos. 9-11. Accordingly, for the reasons stated in the Court's order of January 17, 2008, that motion for reconsideration is DENIED. Plaintiff is directed to provide the relevant information to the USAO and the Court so that the USAO may make reasonable efforts to identify the defendants.

III. Motion to Appoint Counsel

Finally, Plaintiff requests that the Court appoint counsel. For the reasons stated in the Court's order of October 30, 2007, the motion is DENIED without prejudice to renewal as the case progresses.

SO ORDERED.

Dated: February 21, 2008  
New York, New York

  
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RICHARD J. SULLIVAN  
UNITED STATES DISTRICT JUDGE